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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hsuan-Yin Lan-Harget et al.
Serial No. 09/812,945
Filed : March 27, 2001
For: *Histone Deacetylase Inhibitors*

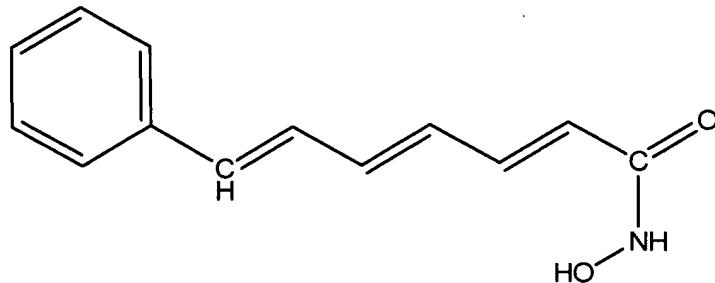
Examiner: Wang, Shengjun
Group Art Unit: 1617
Docket No.: 15128.0002

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RESPONSE TO OFFICE COMMUNICATION

The Examiner has indicated that Applicants' reply on April 11, 2005 is not fully responsive. Specifically, the Examiner states that "[t]he election of invention and the species election are not consistent" and that "[t]he elected species is within group I." In the previous response to the Restriction Requirement dated March 11, 2005, Applicants elected, with traverse, Group IV, claims 1, 2, 4-7, 10, 12, 17, 18, 40-42, and 44-46. Applicants further elected with traverse, compounds in which A is a phenyl group. Applicants also confirmed the previous election of the species, 7-phenyl-2,4,6-hepta-trienoylhydroxamic acid.

As previously indicated in Applicants' reply of April 11, the previously elected compound, 7-phenyl-2,4,6-hepta-trienoylhydroxamic acid does not fall within the scope of Group I, as proposed by the Examiner. Under formula I, 7-phenyl-2,4,6-hepta-trienoylhydroxamic acid has the following: Y1 is a bond, L is C6 with three double bonds, Y2 is a bond and A is phenyl group, and has the following formula:



The Examiner however, has restricted Group I to comprise of "a compound of formula I, wherein Y2 is a bond, L is an unsaturated C4 with two double bond[s] optionally substituted with C1-2 alkyl, C6 with three double bonds or C8 with three double bonds, X1, X2 together with the carbon attached is a hydrox[a]mic acid group and **Y1 is CH2**"(emphasis added). According to the Examiner, our previously elected compound, 7-phenyl-2,4,6-hepta-trienoylhydroxamic acid would have 8 carbons (not counting the 6 carbons of the phenyl group) if it falls within Group I. As such, Applicants believe that Applicants' previous election of species, 7-phenyl-2,4,6-hepta-trienoylhydroxamic acid is consistent with the election of Group IV which is drawn to a "compound [] other than those defined in groups I-III."

In conclusion, Applicants believe that the pending claims and all dependent claims, meet all criteria for patentability and are in condition for allowance.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**. If, for any reason, a telephonic conference with the Applicants would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Attorney at the telephone number provided below.

Respectfully submitted,



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